

IN THE UNITED STATES DISTRICT COURT OF THE
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

IN THE MATTER OF THE APPLICATION)
OF THE UNITED STATES OF AMERICA)
FOR A CRIMINAL COMPLAINT)
AUTHORIZING AN ARREST WARRANT)
FOR SERGIO MAGALLAN-TINOCO)

Misc. No.: 7:24-mj-7

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Affiant, Special Agent (SA) Paul N. Criswell, being duly sworn deposes and states:

INTRODUCTION AND AGENT BACKGROUND

1. I have been employed as a Special Agent with the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), and have been employed as a law enforcement officer with the federal government since May 2003. I am currently assigned to the Border Enforcement Security Task Force (BEST) to investigate criminal violations of U.S. Law under the jurisdiction of DHS/ICE/HSI in the Greenville, SC area of operations. In 2003, I attended and graduated from the Criminal Investigator Training Program (CITP) and Customs Basic Enforcement School (CBES) while attending the Federal Law Enforcement Training Center (FLETC) in Brunswick, GA. Following the completion of both CITP and CBES, I was assigned to the HSI Office of the Resident Agent in Charge (RAC) in Greenville, SC in October 2003.

2. As part of my duties, I have participated in investigations involving narcotics and money laundering violations. Through these investigations and through my training, I have become familiar with the investigative methods and techniques applicable to drug trafficking and money laundering investigations. Additionally, I have participated in, and been the affiant for both search

and arrest warrants. I have also participated in the execution of the aforementioned search warrants, during which I have identified and seized narcotics and narcotics proceeds.

3. This affidavit is offered in support of a criminal complaint for an arrest warrant for Sergio MAGALLAN-TINOCO. There is probable cause to believe that MAGALLAN-TINOCO has been involved in the possession with intent to distribute controlled substances, including cocaine, in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(A). Additionally, there is probable cause to believe that MAGALLAN-TINOCO knowingly possessed a firearm in furtherance of a drug trafficking crime, in violation of Title 18, United States Code, Section 922(c)(1)(A).

4. The information contained in this affidavit is based upon an investigation that is being conducted by HSI and other law enforcement agencies, and my personal knowledge of the facts regarding this investigation. Additionally, the facts related in this affidavit do not reflect the totality of information known to me or other officers, deputies, and/or agents, merely the amount required to establish probable cause in support of the arrest warrant.

5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

6. In June 2022, HSI, working in conjunction with the Spartanburg County Sheriff's Office (SCSO) and the South Carolina Law Enforcement Division (SLED), initiated an investigation targeting the Terrance BOBO/Maurice RICE Drug Trafficking and Money Laundering Organization (DTMLO) for the alleged trafficking of kilogram quantities of cocaine, fentanyl, and methamphetamine in the Upstate of South Carolina and Western North Carolina.

7. On November 15, 2023, HSI and its law enforcement partners, executed multiple search and arrest warrants in furtherance of the investigation targeting the DTMLLO which resulted in the criminal arrests of seven (7) members of the DTMLLO, to include Cooperating Defendant-3 (CD-3),¹ and the seizure of approximately thirteen (13) kilograms of suspected cocaine.

CD-3 INFORMATION REGARDING SERGIO MAGALLAN-TINOCO

AKA "JOHN MIGO"

8. On November 21, 2023, your affiant and SCSO Corporal Derek Vassar debriefed CD-3 regarding his/her involvement in drug trafficking activities in the Upstate of South Carolina. During the debriefing, CD-3 identified "John Migo" as a source of supply for cocaine in the Spartanburg, SC, area.

9. CD-3 stated "John Migo" is a Hispanic male, approximately 40-45 years old, with several missing fingers. CD-3 stated "John Migo" is based in the Spartanburg, SC, area, and is supplied with cocaine from subjects in the Anderson, SC, area. CD-3 stated "John Migo" is subordinate to

¹ CD-3 is convicted felon currently incarcerated for violations of Title 21, United States Code, Section 846, Drug Conspiracy, and Title 18, United States Code, Section 1956(h), Conspiracy to Commit Money Laundering. CD-3 began cooperating with law enforcement in November 2023 following his/her arrest. Information provided by CD-3 has been corroborated by a review of Pen Register/Trap & Trace (PRTT) data and Call Detail Records (CDRs). CD-3 is assisting law enforcement in hopes of judicial assistance regarding his/her pending federal charges; however, no such assistance has been promised to CD-3. CD-3 has a significant criminal history including that he was previously arrested for, and convicted of, PWID Crack Cocaine and Manufacture/Distribute ICE/Crank/Crack Cocaine (1st), in the State of South Carolina, and sentenced to fifteen (15) years' incarceration in 1992. In 2002, CD-3 was arrested for, and convicted of, Manufacture/Possess Other Substance SCH I, II, III WITD (1st) and sentenced to a five (5) year suspended sentence. In 2003, CD-3 was arrested for, and convicted of Title 21, United States Code, Sections 841(a)(1) and 846, Conspiracy to PWID Five (5) Kilograms or More of Cocaine and sentenced to one-hundred thirty-one (131) months confinement. Within the context of the information detailed and relied upon for the purpose of this affidavit, law enforcement believes the confidential source is credible and his/her information is reliable.

“Alex.” CD-3 stated “John Migo” drives a green Ford Explorer and utilizes the natural void in the center console of the Explorer to conceal kilograms of cocaine. CD-3 stated he/she would often communicate with “John Migo” via WhatsApp² phone calls and text messages, or through normal cellular communications on TT-31.

10. CD-3 stated he/she would purchase approximately 2-10 kilograms of cocaine at a time from “John Migo.” CD-3 stated he/she would get kilograms of cocaine from “John Migo” 1-2 times per week. CD-3 stated he/she would pay “John Migo” approximately \$17,000 - \$19,000 for each kilogram of cocaine. CD-3 stated he/she would meet “John Migo” at a residence in Inman, SC, or a business location in Gaffney, SC, to complete the drug transactions.

RECORDED TELEPHONE CONVERSATION WITH MAGALLAN-TINOCO ON

NOVEMBER 22, 2023

11. On November 22, 2023, HSI and the SCSO monitored and recorded a telephone conversation between CD-3 and “John Migo,” who was utilizing TT-31. During the recorded conversation, CD-3, working at the direction of law enforcement, contacted “John Migo” and

² WhatsApp LLC (“WhatsApp”) is a United States company that is the provider of a wire and electronic communication service as defined by 18 U.S.C. §§ 3127(1) and 2510. Specifically, WhatsApp provides an Internet-based multimedia messaging service, WhatsApp Messenger, via a cross-platform smartphone application that enables users to communicate with each other via text, voice, and video. Users can also exchange recorded audio and video messages, photos and other files, and their location. The smartphone application can be paired with the WhatsApp Web or Desktop services to achieve similar functionality from other devices. Communication with other users over WhatsApp requires Internet access. Each WhatsApp account has a unique account identifier in the form of a verified telephone number. These phone numbers are used by WhatsApp users to identify the intended recipient of the messages that they send as well as the sender of messages that they receive; they are like the telephone numbers of incoming outgoing calls because they indicate both origin and destination(s). These telephone numbers/account identifiers can be recorded by a pen/trap device and can be used to identify parties to a communication without revealing the communication’s content.

discussed a future purchase of approximately 8-10 kilograms of cocaine. A portion of the conversation is as follows:

CD-3: How you lookin'?

SMT: Huh? Good.

CD-3: Everything good?

SMT: Everything good.

CD-3: Okay, I'm probably going to need. . . um. . . I got a couple I'm going to probably need to finish up though. Um, give to about next week sometime. Man, I'm going to get ready to make a move. When are you planning on leaving? Are you planning on going home?

SMT: Um, yeah.

CD-3: How much time do I got before you plan to go?

SMT: No, no, I'm going to stay here.

CD-3: Oh, you're going to stay?

SMT: Yeah.

CD-3: I'm going to try to make a good push, man, 'cause I don't want to run out during the holidays so I'm probably going to get a bunch of orders together and probably get somewhere between eight (8) and ten (10).

SMT: Okay.

CD-3: Is that too much?

SMT: No, it's okay.

12. Based upon my training and experience, in addition to my knowledge of this investigation, I believe the conversation between CD-3 and MAGALLAN-TINOCO details a purchase of 8-10 kilograms of cocaine by CD-3 from MAGALLAN-TINOCO.

INITIATION OF GEO-LOCATION SERVICES FOR TT-31

13. On November 29, 2023, U.S. Magistrate Judge Kevin F. McDonald, District of South Carolina, authorized a federal search warrant for the monitoring and collecting of geo-location data for TT-31.

14. On the same date, the federal search warrant was served to T-Mobile, the Service Provider for TT-31.

15. An administrative subpoena for subscriber information related to TT-31 revealed it is subscribed to Eric Collins, 8 Willimon Drive, Piedmont, SC.

SURVEILLANCE OPERATION ON NOVEMBER 29, 2023

16. On November 29, 2023, CD-3, working at the direction of law enforcement, brokered a sample purchase of fentanyl pills from MAGALLAN-TINOCO, who was utilizing cellular telephone TT-31. MAGALLAN-TINOCO agreed to deliver a small, sample quantity of fentanyl pills to 1120 1st Street, Inman, SC.

17. On the same date, law enforcement established ground and aerial surveillance in the vicinity of 1120 1st Street. A short time later, surveillance units observed a green/tan Ford Expedition (SC / WMG-204)³ arrive at 1120 1st Street. A Hispanic male, later identified as MAGALLAN-TINOCO, was observed exiting the Expedition and placing an item underneath a

³ A South Carolina Department of Motor Vehicles (SCDMV) query for registration information for the Expedition revealed it is registered to Luis Miguel Aguirre Pineda, 238 Sheila Lane, Spartanburg, SC.

lawn mower located in the yard of the residence. MAGALLAN-TINOCO then departed the location in the Expedition.

18. Ground and aerial surveillance units maintained observation of MAGALLAN-TINOCO and the Expedition as it traveled from 1120 1st Street to 101 Gower Road, Spartanburg, SC. Surveillance units observed the Expedition pull into the garage at 101 Gower Road and the surveillance was terminated.

19. Law enforcement retrieved a small, plastic baggie containing multiple blue pills from beneath the lawn mower. The suspected fentanyl pills were seized.

RECORDED TELEPHONE CONVERSATIONS WITH MAGALLAN-TINOCO ON
NOVEMBER 30, 2023

20. On November 30, 2023, CD-3, working at the direction of law enforcement, conducted several monitored/recorded conversations with MAGALLAN-TINOCO, who was utilizing cellular telephone number TT-31. The conversations detailed efforts by law enforcement to purchase approximately 8-10 kilograms of cocaine and a quantity of fentanyl pills from MAGALLAN-TINOCO.

21. On the same date, at approximately 1156 hours, CD-3 contacted MAGALLAN-TINOCO. A portion of the recorded conversation is as follows:

SMT: Hello.

CD-3: Hey, what's up man?

SMT: It's coming.

CD-3: What time?

SMT: They on the way.

CD-3: So, when do I need to be ready 'cause I've got to get this money together?

SMT: Yeah, I know. [U/I] about 20 minutes.

CD-3: You say about 20 minutes away? You got to at least give me a little time to get down there. I'm still in North Carolina.

SMT: Oh, okay. Okay.

CD-3: On the pills, the guy said he want a thousand of them.

SMT: Huh?

CD-3: He said he'll take a thousand of them.

SMT: Mmhmm. Okay. What do you mean?

CD-3: Of the blue. The blue ones.

SMT: Oh, you mean a thousand?

CD-3: Yeah.

SMT: Okay.

CD-3: And so, the bricks will be here before five (5)?

SMT: Yeah, the bricks are on the way.

CD-3: Okay. Alright, I'll call ya back. Let me get myself together.

SMT: Okay.

CD-3: Alright.

22. Based upon my training and experience, in addition to my knowledge of this investigation, I believe this conversation between CD-3 and MAGALLAN-TINOCO details MAGALLAN-TINOCO confirming that several kilograms of cocaine were in route to him (MAGALLAN-TINOCO) for eventual distribution to CD-3. Additionally, I believe this conversation details the agreed upon transaction for a quantity of fentanyl pills between CD-3 and MAGALLAN-TINOCO. Based on my training and experience, I know "blue" is a known slang term for fentanyl

utilized by drug traffickers, and “bricks” is a known slang term for kilogram quantities of illegal drugs.

23. On the same date, at approximately 1212 hours, CD-3 contacted MAGALLAN-TINOCO.

A portion of the recorded conversation is as follows:

CD-3: Hey what's up?

SMT: Hey, so you coming? Okay, listen, I got the. . . uh. . . I make a call to this guy. . .

CD-3: Uh-huh.

SMT: . . . the pills and he say it's going to be \$3 apiece. And only he have, uh, eight hundred.

CD-3: Okay, eight hundred is fine. It'll be okay.

SMT: Yeah. It's because. . . I have another guy but he don't. . . no. . . he don't have no more.

CD-3: That's fine. That's cool. It ain't no big deal.

SMT: Okay.

CD-3: Alright.

SMT: Alright. \$3 apiece.

CD-3: Huh?

SMT: \$3.

CD-3: Yeah, I knew you would say that.

SMT: Okay, okay, because I want to make sure.

24. Based upon my training and experience, in addition to my knowledge of this investigation, I believe this conversation between CD-3 and MAGALLAN-TINOCO details MAGALLAN-TINOCO relaying the cost of each pill of fentanyl to CD-3.

25. On the same date, at approximately 1235 hours, CD-3 contacted MAGALLAN-TINOCO. A portion of the recorded conversation is as follows:

SMT: Yeah?

CD-3: Hey, what about between 3:30 and 4:00?

SMT: Okay.

CD-3: Alright, that's the time I'll get down there. Have everything straightened out.

SMT: Okay. Sounds good.

CD-3: Alright.

26. Based upon my training and experience, in addition to my knowledge of this investigation, I believe this conversation between CD-3 and MAGALLAN-TINOCO details MAGALLAN-TINOCO and CD-3 confirming the time of the transaction for 8-10 kilograms of cocaine and a quantity of fentanyl pills.

UNDERCOVER OPERATION ON NOVEMBER 30, 2023

27. On the aforementioned date, at approximately 1500 hours, law enforcement established ground and aerial surveillance at 101 Gower Road, Spartanburg, SC. Additionally, law enforcement established ground surveillance at 1120 1st Street, Inman, SC.

28. At approximately 1526 hours, surveillance units observed the garage door at 101 Gower Road open and MAGALLAN-TINOCO, dressed in a blue t-shirt and grey sweatpants, walk around the rear of a green/tan Ford Expedition (SC / WMG-204).

29. At approximately 1531 hours, surveillance units observed the Expedition, driven by MAGALLAN-TINOCO, back out of the garage at 101 Gower Road and depart the location. Surveillance units maintained physical observation of the Expedition as it traveled to 1120 1st Street.

30. At approximately 1546 hours, surveillance units observed the Expedition arrive at 1120 1st Street. Surveillance units observed MAGALLAN-TINOCO exit the driver side of the Expedition and retrieve a black/yellow Dewalt bag from the vehicle and walk towards 1120 1st Street. As MAGALLAN-TINOCO approached the door, law enforcement approached MAGALLAN-TINOCO and took him into custody pursuant to an outstanding South Carolina state arrest warrant without incident.

31. A search of the black/yellow Dewalt bag resulted in the discovery of multiple, brick-shaped bundles wrapped in packing tape, and a plastic bag containing multiple blue pills. The bricks and pills were seized by law enforcement, and MAGALLAN-TINOCO was transported to the SCSO for questioning and processing.

STATE SEARCH WARRANT AT 101 GOWER ROAD, SPARTANBURG, SC

32. On November 30, 2023, law enforcement executed a South Carolina state search warrant at MAGALLAN-TINOCO's residence, 101 Gower Road, Spartanburg, SC. Law enforcement forced entry at the residence and secured the residence without incident. No other occupants were encountered.

33. A search of the location resulted in the discovery and seizure of approximately 289 grams of cocaine and 4.5 grams of fentanyl located in the kitchen. Additionally, several kilogram-sized wrappings and a Jimenez Arms JA380 (SN: 265615) handgun were found in the kitchen. A search

of the master bedroom resulted in the discovery and seizure of approximately \$2,133.00 US currency.

CONCLUSION

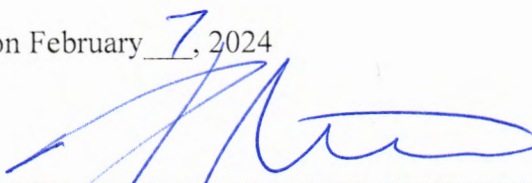
34. Based upon the foregoing, I believe there is probable cause to believe that MAGALLAN-TINOCO violated Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(A). Additionally, there is probable cause to believe that MAGALLAN-TINOCO, knowingly possessed a firearm in furtherance of a drug trafficking crime, in violation of Title 18, United States Code, Section 922(c)(1)(A).

DATE: 2/7/2024



Paul N. Criswell
Special Agent
Homeland Security Investigations (HSI)
Border Enforcement Security Task Force (BEST)

Appeared before me and sworn on February 7, 2024



Kevin F. McDonald, United States Magistrate Judge

Greenville, South Carolina